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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,485	08/28/2001	Mikko Veikkolainen	AWEK 2301	6235

7812 7590 11/04/2002

SMITH-HILL AND BEDELL
12670 N W BARNES ROAD
SUITE 104
PORTLAND, OR 97229

EXAMINER

SHAW, CLIFFORD C

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 11/04/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,485

Applicant(s)

VEIKKOLAINEN ET AL.

Examiner

Clifford C Shaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Detailed Action

1.) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2.) Claims 3, 4, 8, 10, 12, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 3, the use of "and/or" makes it unclear what subject matter the claim is directed to. In claim 4, it is not clear what "external device" means in terms of the subject matter of the claim. "External" to what? In claim 8, it is not clear what is meant by "semi-automatically". Claim 10 is grammatically incorrect, making it unclear what subject matter the claim is directed to. In claim 12, the use of "e.g." makes it unclear what subject matter the claim is directed to. In claim 14, lines 1-2, the use of "for example" makes it unclear what subject matter the claim is directed to.

3.) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4.) Claims 1-4, 7-17, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilliland (5,999,642, cited by applicant) taken with Gilliland et al (5,798,627). The patent to Gilliland (5,999,642, cited by applicant) discloses a method and arrangement for forming a welding structure whereby an image of the arrangement of constituent pieces is recorded, plural weld points are determined from this image, and welding is carried out (see figures 1, 2, and 3 and the discussion at cols. 7-10). The claims differ from Gilliland (5,999,642, cited by applicant) in calling for controlling the welding apparatus on the basis of determined positions of the weld points. This difference does not distinguish over the prior art. At the time applicant's invention was made, it would have been obvious to have used the welding arrangement of Gilliland et al in the system of Gilliland (5,999,642, cited by applicant), based on the discussion at col. 9, lines 38-42 in Gilliland (5,999,642, cited by applicant). At his column 29, line 45 through column 31, line 50, Gilliland et al discusses control of the weld apparatus, especially the torch angle, based on the welding location. It would have been obvious to have carried this teaching of Gilliland et al over to Gilliland (5,999,642, cited by applicant) when the system of Gilliland et al was incorporated into Gilliland (5,999,642, cited by applicant), the motivation being to secure the advantages of the teaching for the arrangement of Gilliland (5,999,642, cited by applicant), there by satisfying the claims.

5.) Claims 5, 6, 18, 19, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilliland (5,999,642, cited by applicant) taken with Gilliland et al as applied to claims 1-4, 7-17, 20, and 21 above, and further in view of Omae et al (4,144,992). The only aspect of the claims to which the rejection above does not apply are the provisions for displaying weld point

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positions to a user and for overriding automatic control of the welding. These differences do not patentably distinguish over the prior art. It would have been obvious to have provided the system of Gilliland (5,999,642, cited by applicant) with an arrangement for displaying the welding area, the motivation being the teachings of Omae et al that it is advantageous to have such a display in an automated weld system (see figure 1, element 1, figure 5, and col. 9, lines 14-20 in Omae et al). It would have been obvious to have provided the system of Gilliland (5,999,642, cited by applicant) with a manual override as claimed, the motivation being the teachings of Omae et al that such is advantageous (see figure 7, element 406 and the discussion at col. 8, line 62 through col. 9, line 13 in Omae et al).

6.) The patent to Sicard et al. (4,697,239) is cited to show a prior art arrangement for forming a welding structure such as a ship using a controlled welding system.

Any inquiry concerning this communication should be directed to Clifford C Shaw at telephone number 703-308-1712. The examiner can normally be reached on Monday through Friday of the first week of the pay period and on Tuesday through Friday of the second week of the pay period.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas G. Dunn, can be reached at 703-308-3318. The fax phone numbers for

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the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Clifford C Shaw
Primary Examiner
Art Unit 1725

October 31, 2002